

REMARKS

§103 Rejection of the Claims

Claims 1-8, 16-19, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer (U.S. 2003/0216969 A1) in view of Can (U.S. 2002/0038267 A1).

The present disclosure is directed toward an asset management system that tracks a set of assets, not an inventory management for retail merchandise as disclosed in both the Bauer (paragraph [0030]-[0031]) and Can (Abstract) references.

Claim 1 recites, in part, “said detailed object information comprising updated information for said associated object after performing physical maintenance or configuration directly to [[of]] said associated object.” On page 3 of the Office Action, the Examiner stated that “Bauer does not disclose or fairly suggest that a tag contains updated information for said associated object after performing maintenance or configuration of said associated object,” however cited Can as teaching the above limitation. Applicants respectfully traverse. As cited by the Examiner, paragraph [0070] of the Can reference discloses

“[0070] In addition, the RFID technology can be used to write revised data to a unit level tag for special handling activities and to provide an ability to identify a unit as an alternative retail outlet product. In particular, by providing individual tags on each garment, the system can be used to write or alter pricing data on each tag. To make such a system practical, the tag reader should be able to write to multiple tags simultaneously by broadcasting information to be written. In the preferred embodiment, the tag reader can write to multiple tags simultaneously or write to individual tags without writing to adjacent tags. This greatly simplifies correction or markdown of prices and, thus, eliminates the labor required to manually correct each ticket. In addition, this system improves the efficiencies of the multifunction or special handling process and eliminates the manual re-ticketing process by writing cross-reference data to the ticket for an alternative retail store. Moreover, it is possible to electronically write multiple prices to reflect prices in different currencies on the tag for international shipments. Finally, use of RFID technology provides pre-receipt visibility to the distribution center, allowing the distribution center to forecast and plan labor requirements and anticipate special handling activities such as mixed cartons.”

Nowhere in the above citation or anywhere in Can is there a teaching of “updating information for said associated object after performing physical maintenance or configuration

directly to said associated object.” (emphasis added) Can discloses “correction or markdown of prices,” which is noted by the Examiner, however no physical maintenance or configuration directly to the associated object is actually performed. A retail price change as disclosed in the Can reference merely modifies information related to a retail item, but the actual retail item itself remains physically unchanged.

Applicants submit that, at least for the above reasons, the 103(a) rejection has been overcome. Claim 1 and its dependent claims 2-8 are thus patentable and in the condition for allowance.

Independent Claims 16 and its dependent claims 17-19 and independent claim 20 have similar limitations and thus are patentable and in the condition for allowance for at least the same reasons as claim 1 above.

Claims 9, 10, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer (U.S. 2003/0216969 A1) modified by Can (U.S. 2002/0038267 A1), in view of Nicastro (US 2002/007314 A1).

Applicants submit that a dependent claims incorporate each of the claim elements of the independent claim from which it properly depends, and more. Applicants assert for the reasons stated in the prior section, that Bauer in view of Can does not teach or suggest all of the claim elements of the pending claims and the Office Action’s proposed combination with Nicastro does not cure the defect. Therefore, Applicants respectfully request withdrawal of the 103(a) rejection and allowance of pending claims.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer (U.S. 2003/0216969 A1) modified by Can and Nicastro in view of Cesar (US 6,172,596 B1).

Applicants submit that a dependent claims incorporate each of the claim elements of the independent claim from which it properly depends, and more. Applicants assert for the reasons stated in the prior section, that Bauer in view of Can does not teach or suggest all of the claim elements of the pending claims and the Office Action’s proposed combination with Nicastro in view of Cesar does not cure the defect. Therefore, Applicants respectfully request withdrawal of the 103(a) rejection and allowance of pending claims.

Claims 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer (U.S. 2003/0216969 A1) modified by Can (U.S. 2002/0038267 A1), and Nicastro (US 2002/007314 A1), in view of Seelinger (US 2002/0087554 A1).

Applicants submit that a dependent claims incorporate each of the claim elements of the independent claim from which it properly depends, and more. Applicants assert for the reasons stated in the prior section, that Bauer in view of Can does not teach or suggest all of the claim elements of the pending claims and the Office Action's proposed combination with Nicastro in view of Seelinger does not cure the defect. Therefore, Applicants respectfully request withdrawal of the 103(a) rejection and allowance of pending claims.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 9/30/2008

By 

Reg. No. 36,172

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30 day of September 2008.

Dawn R. Shaw

/Dawn R. Shaw/

Name

Signature